



## **Chapter 173-503 WAC**

# **Implementation Plan for the Adoption of Amendments to Instream Resources Protection Program—Lower and Upper Skagit Water Resources Inventory Area (WRIA 3 and 4)**

May 2006

Publication # 06-11-009



*Original printed on recycled paper*

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# Implementation Plan for Amendment to Chapter 173-503 WAC Instream Resource Protection Program – Lower and Upper Skagit Water Resource Inventory Area (WRIA 3 and 4)

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This implementation plan is in response to RCW 34.05.328 wherein the statute requires, “The plan shall describe how the agency intends to:

- (a) Implement and enforce the rule, including a description of the resources the agency intends to use;
- (b) Inform and educate affected persons about the rule;
- (c) Promote and assist voluntary compliance; and
- (d) Evaluate whether the rule achieves the purpose for which it was adopted, including, to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcomes.”

The existing regulation, Chapter 173-503 Washington Administrative Code (WAC), had the following sections:

- WAC 173-503-010 General provision
- WAC 173-503-020 Purpose
- WAC 173-503-030 Findings
- WAC 173-503-040 Establishment of instream flows
- WAC 173-503-050 Water availability determination
- WAC 173-503-060 Ground water
- WAC 173-503-070 Exemptions
- WAC 173-503-080 Policy statement for future permitting actions
- WAC 173-503-090 Enforcement
- WAC 173-503-100 Regulation Review

This amendment amends and adds the following sections:

- WAC 173-503-025 Definitions
- WAC 173-503-051 Future stream closures
- WAC 173-503-052 Future out-of-stream uses in the Upper Skagit River subbasin management unit
- WAC 173-503-060 Future water rights
- WAC 173-503-061 Baker River project settlement agreement flows
- WAC 173-503-071 Lakes and ponds
- WAC 173-503-072 Administrative requirements
- WAC 173-503-073 Water reservations
- WAC 173-503-074 Establishment of subbasin management units and reservation quantities by subbasin management unit
- WAC 173-505-075 Future Stockwatering
- WAC 173-503-081 Future changes and transfers
- WAC 173-503-090 Compliance and enforcement
- WAC 173-503-100 Alternative sources of water
- WAC 173-503-110 Establishment of trust water rights program
- WAC 173-503-116 Incorporating new hydrologic investigations and information in rule
- WAC 173-503-120 Maps
- WAC 173-503-150 Water rights subject to instream flows predating the reservations

## **1. How the Agency intends to implement and enforce the rule (RCW 34.05.328(3) (a)).**

Implementation will consist of education and outreach, technical assistance, water right permitting, compliance and enforcement, data collection, and information management. The work for implementation will be done primarily at the regional level with existing staff resources and with support from colleagues at Ecology's headquarters in Lacey. Ecology will also be working with local governments to integrate rule implementation with local building permitting and water availability decisions. Staff resources for rule implementation are expressed in full time equivalents (FTEs).

### **Education and outreach**

The key implementation component is outreach and communication. Ecology will continue outreach and communication with the counties, cities, water utilities, well drillers, interest groups, and property owners to inform them on the rule amendment. Staff resources for rule specific and general water law educational material, oral presentations, and media outreach is estimated to be 0.1 FTEs and a mix of headquarters and regional staff. Ecology believes that having current information on the rule and the reservations are necessary to implementing this rule amendment. Ecology anticipates making use of the internet for distributing information to the public, such as maps of the reservation boundaries and status of the reservations.

### **Technical assistance and water right permitting**

Five employees are assigned to water right permitting in the Northwest Regional Office. Prioritization of work done by existing staff is not affected by this rule amendment. At this time the Program's primary focus is on changes to water rights is expected to continue and no FTE's will be specifically assigned to address the pending new water rights in the basin. The state's water rights cost reimbursement process is available for processing new water rights and is described in more detail later in this document. Existing staff will make water right permit decisions, respond to telephone calls for information and technical assistance, and address municipal water supply issues in the Skagit basin. Essentially all the sections of the rule will be implemented by existing staff, especially focusing on answering questions and providing technical assistance.

The Skagit rule amendment reserves water for future water uses in the Skagit Basin. The amount of water is divided into three reservations that are not subject to the instream flow. A reservation of 3,564 acre feet annually is set aside for agricultural irrigation in the Skagit River basin. A reservation of 9,370,208 gallons per day of water is set aside to be divided among the sub-basins for year-round future domestic, municipal, and commercial/industrial uses. A reservation of 340, 000 gallons per day of water is set aside for stock watering uses in the Lower, Middle and Upper Skagit subbasins.

In managing water resources Ecology must both protect and preserve fish and wildlife and provide water for agriculture, industry and human domestic use. In the Skagit Basin, an instream flow was established in 2001 to preserve and protect in-stream resources. All water uses, including permit-exempt groundwater uses, established after the instream flow rule are junior to the instream flow and may be subject to interruption when instream flows are not met. Based on past flow records, it is clear that instream flows are not met and interruption may be necessary during nearly every month of the year (see figure 1). Homes and businesses need a year-round reliable water supply to satisfy basic human needs. An interruptible supply cannot serve this need. Farmers need reliable water supply

during the irrigation season to grow their crops. An interruptible water supply may or may not be a reliable supply for most farmers, depending on the crop grown.

### **New Water Rights**

The Skagit Instream Flow Rule provides guidance on how future out-of-stream uses can be obtained that would not be subject to the instream flow. These options for obtaining future out-of-stream water rights not subject to instream flows include:

1. Non-consumptive water rights
2. New water rights that include a mitigation project,
3. Water rights where water use will not impair instream flows or
4. Water rights obtained under one of the reservations.

### Non-consumptive water rights

Non-consumptive water uses, defined as a type of water use where either there is no diversion from a source body, or where there is no diminishment of the water source can be obtained if such uses are compatible with the intent of the rule. A non-consumptive water use is still subject to appropriation and can only be obtained as allowed under the surface and ground water codes (90.03 and 90.44 RCW). Examples of possible non-consumptive water uses include some kinds of hydroelectric power generation or fish propagation water uses where the water is returned to the source without diminishing the quality or quantity of the water.

### Mitigation

A mitigation plan can be submitted to Ecology to mitigate the impacts to instream flows from an individual withdrawal or to mitigate for multiple withdrawals in a subbasin. Ecology cannot require a mitigation project, as mitigation under water law is voluntary. Ecology has developed a digest of mitigation projects titled, *Mitigation Measures used in Water Rights Permitting* (Ecology 2003), that summarizes mitigation projects which have been accepted and approved by Ecology. This document is available from Ecology's regional and headquarters Water Resources Program staff. A mitigation plan may be approved by Ecology if the proponent can demonstrate that the proposed withdrawal(s) will not impair senior water rights, including instream flow rights, adversely impact instream resources, or diminish water quality when the mitigation project is implemented.

The duration of mitigation will vary according to the legal status of the water source. For subbasins that are closed to new appropriations, mitigation must be provided year round, as a closure is a legal determination that no additional water can be taken from the basin year-round. The source of water for a mitigation plan cannot be from a legally closed source. For areas in the basin that are subject only to the instream flows, mitigation needs to be provided when the instream flows are not met.

An approved mitigation plan must include a monitoring and reporting plan, including a quality assurance/quality control plan. It also must include conditions that the plan be implemented as long as the associated water right is used and that any water provided for mitigation purposes be prohibited from being applied to any other purpose. Except in closed basins, if monitoring of a mitigation plan shows the mitigation is not effective, departmental approval of the mitigation plan shall be suspended and the use of water under the water right shall then be subject to the instream flows until the

department finds the mitigation plan is effective. In the case of a closed basin, if monitoring of a mitigation plan shows the mitigation is not effective, departmental approval of the mitigation plan shall be suspended and the water use shall cease until the department approves a new or revised mitigation plan.

#### Water Rights Will Not Impair Instream Flows

It is possible that Ecology could approve new water rights in the Skagit River basin that are not subject to the instream flows if the proposed appropriation will not impair instream flows or other senior water rights, or take water from a legally closed subbasin. However, based on the hydrogeology of the basin, and the location and depth where most ground water withdrawals generally occur, future ground water withdrawals may capture water that would result in impacts to surface water flows in the Skagit River basin. A ground water right that is not subject to the instream flows or closures may only be approved if an applicant can demonstrate to Ecology, through scientifically sound studies and technical analysis that the proposed use will not cause impairment to existing water rights, including the instream flows set in this chapter or withdraw water from a legally closed source.

Ecology acknowledges that additional scientific investigations may identify areas where water may be used without impairing the instream flows set in this chapter. Ecology is partnering with Skagit County to fund a hydrogeologic study that would be conducted by the US Geological Survey (USGS) to investigate ground and surface water interaction in the Lower Skagit River area. If future scientifically sound investigations, such as the USGS study, sufficiently identify areas where withdrawals of water would not impair instream flows or take water away from a legally closed basin, Ecology will publish the findings through publication of a *Skagit River Water Supply Bulletin*. Additionally, Ecology will account for water uses under the reservations in WAC 173-503-073 and 173-503-074 in accordance with these findings.

#### Reservations

Ecology has set up three reservations in the rule amendment. The reservations are available for permit exempt uses, if the use qualifies for the exemption under Chapter 90.44.050 RCW, as well as for uses that require a water right. For uses that require a water right, such as for appropriations from the agricultural irrigation reservation, the users would have to apply for a water right application that is assessed and decided upon by Ecology. Review of water right applications is contingent upon available staff resources to evaluate the applications. Ecology will have to rely upon existing staff resources to fit in processing of new and existing water right applications under the reservations in the rule amendment.

Ecology does not immediately process new water rights when the application is received, but can make certain exceptions as outlined in WAC 173-152, *Water Rights*. These exceptions include prioritizing processing of water right applications that related to public health and safety, and applications for water uses that are nonconsumptive and substantially enhance the quality of the natural environment.

Additionally, water right applicants can also use cost reimbursement to have their water right applications processed. Under this approach, the applicant enters into a contract with Ecology to reimburse the state of Washington for the cost of hiring a private professional consultant to evaluate their application and any senior water right applications in the same water source as the applicant. Ecology still makes the final decision on the cost reimbursement applications, but the investigation is

performed by an outside consultant. The cost reimbursement route may be used to obtain new water rights if Ecology's staffing resources for processing new water rights remains at current levels. Ecology publication 05-11-016 (2006) has more detail on the cost reimbursement process.

### Agricultural Irrigation Reservation

Ecology has reserved 3,564 afy of ground and surface water for agricultural irrigation purposes only that may be withdrawn from a water source in the Upper, Middle or Lower Skagit subbasins. Appropriations established under this reservation must be approved in a water right permit from Ecology. Applicants requesting water under this reservation would be processed in accordance with their water right application priority date, unless they used the cost reimbursement process. All water users under this reservation will have to measure their water use and report it to Ecology according to the conditions contained in their water permit. Ecology can only approve water rights if the appropriations meet the statutory requirements for water right permits relating to beneficial use, impairment, availability and public interest. Ecology will also work with applicants to see if the requested irrigation use can or is already being met through existing water rights that predate the instream flow rule, or through an interruptible water right, in order to maximize the benefit of the reservation for existing and future agricultural irrigation water users. Ecology will work with applicants to minimize the instantaneous impact of their withdrawals on stream flow through irrigation and conveyance efficiency, water metering, and encouraging irrigation scheduling. See Ecology's Rule Making Criteria Document for more information on agricultural irrigation water rights.

### Domestic, Municipal, Commercial/Industrial Reservation

Ecology has reserved approximately 9,370,208 gallons per day of water that can be appropriated for domestic, municipal and commercial and industrial purposes. Domestic water uses includes water use for basic human needs (drinking, bathing, laundry), maintaining vegetated areas of property, and care of incidental livestock including household pets and other domestic livestock such as a few chickens, horses, llamas, etc. Commercial dairies or feedlots are not considered incidental livestock uses and can obtain water under the conditions of the stock watering reservation. Commercial/industrial water use includes water uses for human needs (such as restrooms, drinking water), uses of water related to manufacturing or production activities at the business, and maintenance of vegetated areas at the property. The commercial/industrial purpose of use in the Skagit rule also includes permit exempt irrigation uses, such as small scale commercial farms or nurseries.

The domestic, municipal, commercial/industrial reservation has been divided among the subbasins of the Skagit River basin. It is available for permit exempt water uses and uses that require a water right permit from Ecology. The water source can be groundwater or surface water. However, surface water appropriations are limited to the Upper, Middle and Lower Skagit subbasins or can be approved in tributary subbasins if the water source is the only physically available water source. For water users seeking a potable water supply, the water users must first request water from a public water system and connect to the public water supply if service can be met in a timely and reasonable manner.

Timely and reasonable in the rule amendment has been defined as the way in which potable water service can be provided by a public water system to a property as defined in local coordinated water system plans, or by public water systems, or by local legislative authorities. Generally, time and cost are the two major factors of defining timely and reasonable. Certain jurisdictions may define

reasonable to include a certain cost limit, such as connection costs that exceed 150% of installing a well are deemed to be unreasonable. Often, a time limitation for connection is also a part of the definition of timely, such as water connection can be provided within 120 days after requesting it from a water purveyor. Skagit County's Coordinated Water System Plan defines timely and reasonable as: if service cannot be provided timely or the applicant considers the conditions of service to be unreasonable, an individual water system can be developed upon showing an adequate water supply consistent with requirements in Skagit County Code (EES 2000).

If potable water supplies can not be provided in a timely and reasonable manner, the user may develop an individual water supply under the reservation. Uses established under this reservation must meet the efficiency standards of the uniform plumbing code as well as any applicable local or state requirements for conservation standards.

All uses of this reservation are required to measure water use, except for permit-exempt water users serving a single home. Ecology will use water use information obtained from water source metering to account for water uses under the reservation. If water metering data have not been provided to Ecology, household water use will be assumed to be 350 gpd per household connection and commercial use will be assumed to be 5,000 gpd per withdrawal for accounting of the use of water from the reservations. These figures were developed based on average household water use in Skagit County and Western Washington and based on the limitation of the ground water permit-exemption. Ecology may also choose to use the best available information from sources such as well logs, building permits, water right permits, or public water system approvals to estimate water use. Ecology may require additional users to measure water use, if the department determines that water supplies warrant further monitoring.

The actual amount of water deducted from the reservation budgets may not be the measured water use as reflected on a water source meter. Ecology is managing the reservations based on the maximum average consumptive daily use. The reservation will be managed so that the maximum average consumptive daily use is debited from the reservation quantities. Ecology will reduce the estimated water consumed from the reservation by 50% per household or business connection to account for septic return flow. To illustrate the concept of the maximum average consumptive daily use two examples are provided. For permit exempt uses serving a single residence, the water use would be calculated at 350 gpd. If the home was on a septic system, a 50% septic recharge credit would be assigned to the water use. Thus, the maximum average consumptive daily use would be 175 gpd and that would be the quantity deducted from the reservation. For uses that are required to meter and report water use, if the water meter for the month of July reads 12,400 gallons, then the average daily water use for the month equates to 400 gpd (12,400 gallons / 31 days). If the appropriation is served by an on-site septic system, a 50% septic recharge credit would be assigned to the water use. Thus, the maximum average consumptive daily use would equal 200 gpd, after factoring in the 50% septic recharge credit. The quantity of 200 gpd would represent the actual amount debited from the reservation.

For water uses established after the existing Skagit Instream Flow was effective (April 14, 2001) and before the proposed rule amendment is effective (June 16, 2006), Ecology will not require those users to measure their water use. Those users will obtain the benefits of the reservations (an uninterrupted supply), and their water use will be deducted from the appropriate reservation at an amount equal to 350 gallons per day for each domestic household connection associated with the source, and at an

amount of 5,000 gpd for commercial/industrial uses, unless the department determines that other information demonstrates an alternative water use quantity should be deducted. Mitigation credits, including, but not limited to, the recharge credit described in WAC 173-503-073(7), apply to these water uses, if appropriate.

Local jurisdictions, such as counties and cities, are required to share in the administration of this rule. Ecology's basis for requiring local jurisdictions to share in the administration of the reservation if it is to be available is twofold. First, local governments have a role and responsibility in ensuring that new development has an adequate quantity of potable water. RCW 19.27.097(1) requires each applicant for a building permit that requires potable water to provide evidence of an adequate water supply for the intended use of the building. RCW 58.17.110 requires a county or city to determine that provisions for potable water supplies are made prior to approving a subdivision or a dedication (e.g., park).

Second, counties and cities by virtue of their existing role in reviewing and approving building permits and subdivisions are better equipped than Ecology to identify new water uses early that qualify for the reservation, to inform applicants of the terms of the reservation, and to work with applicants to make sure their proposals are consistent with the reservation. Ecology intends to provide information on the status of the reservations to local governments so they can distribute this information to property owners and to inform local land use decisions. In turn, Ecology expects that local governments will provide periodic updates to Ecology on land use decisions with new water use. Specific site information for the withdrawal such as parcel numbers will assist Ecology in managing the reservations and will supplement information contained on Ecology's well logs. These information exchanges will provide for better implementation of the reservation and reduced confusion for those who seek to use water from the reservation.

Ecology may develop a link through the existing well construction and Notice of Intent website to inform people whether or not they are in the reserve area and whether there is water available in the reserve. In January and February of each year Ecology will work with the local permitting agencies through information requests for data related to the number of permits and subdivision approvals issued. The information will be used along with recorded well logs to account for reservation use. Accounting will be done on an annual basis and the notices for in the rule amendment will be provided in March of each year.

### Stock Watering Reservation

Ecology has reserved 324,000 gpd of water for future stock watering. Stock water users that established their use before April 14, 2001 are senior to this rule and will not be affected. Stock watering is defined in this rule as drinking water supply for the raising of livestock animals and associated uses of water related to the care of stock animals. Water sources for stock watering can be from surface or ground water, but are limited to sources in the Upper, Middle and Lower Skagit subbasin management units. All surface water stock water users that established their use under the reservation are required to obtain a water right approval from Ecology, and will need to measure their water use in accordance with the conditions on the water right. Permit exempt ground water stock water users that established their use under the reservation do not have to measure and report their water use to Ecology. Instead, Ecology will manage their water use through stock inventory reports such as those generated by the US Department of Agriculture or the Washington Department of

Agriculture. It is important to emphasize that small scale stock operations, defined in the rule as incidental stock water uses, such as a few horses or chickens will be counted as part of the domestic water reservation. Dairies are the most prevalent stock watering users in the Skagit River basin. Dairy operations are considered large scale stock water operations and will fall under the stock watering reservation if these operations need new noninterruptible water supplies.

### **Compliance and enforcement**

One employee (1.0 FTE) in the NWRO is responsible for compliance work in the region, a seven county area. The Water Resources Program will focus its efforts to achieve voluntary compliance with the Skagit rule amendment through technical assistance, education, outreach, and training. After the initial outreach on the rule amendment, compliance and enforcement activities in the basin will be addressed on an as needed basis. Enforcement under chapter 173-503 WAC will follow the procedures outlined in the rule amendment and developed in the Water Resource Enforcement Policy. (see policy 2005 at <http://www.ecy.wa.gov/programs/wr/rules/images/pdf/pol2005.pdf>.)

Enforcement actions can include curtailment of unauthorized uses and ensuring the exercise of water rights consistent with the rule. The Water Resources Program will respond consistent with the severity of the violation, using professional judgment to screen complaints and respond as appropriate. The Water Resources Program will take enforcement actions where informal compliance efforts are not successful, immediately where there are risks to safety, public health and environmental health, and/or where action is requested by other resource protection agencies.

If the goal of voluntary compliance cannot be met, enforcement responses will be escalated as provided for in the rule and RCW 90.03.605. The first response of the department will be to offer information and technical assistance to the water user in writing identifying one or more means to accomplish the water user's purposes within the framework of the law. If education and technical assistance do not achieve compliance then Ecology will issue a notice of violation, a formal administrative order under RCW 43.27A.190, or assess penalties under RCW 90.03.600 unless the noncompliance is corrected expeditiously or the department determines no impairment of existing water rights occurred or no harm was done.

Water users that develop water supplies with either interruptible water rights or water rights with mitigation projects will be forewarned of the risk of being regulated when flows are not met or if a mitigation project fails to mitigate for the impact of the withdrawal. For basins subject to closure, Ecology will deduct all water uses in those basins established after April 14, 2001, regardless of whether use is interruptible. This action helps protect instream resources in these tributary basins.

### **Data collection and information management**

Implementation of several sections of the rule will require the development of tracking or accounting systems to manage the reservations. These sections include the reservations, maximum allocations, and future water rights actions. Staff resources of 0.25 FTE at the regional office will be dedicated to develop and implement GIS mapping and data sets to account for use of reserved waters and the maximum allocations by sub basin. Future data related to specific water right actions for new rights or changes to rights will be captured in the existing Water Right Administration Tracking system under existing resources. Ecology will need to partner with local jurisdictions and other affected parties such as well drillers, water systems, farmers, irrigation districts and tribal governments to collect and distribute information on the availability of water in the Skagit Basin. Ecology will be working with

local governments and other affected parties to integrate data collection and information management related to the tracking of use under the reservations.

**2. How the Agency intends to inform and educate affected persons about the rule (RCW 34.05.328(3)(b)).**

**Informational meetings**

We are proposing a series of informational campaigns geared to different affected groups. First, of course, is the general public, especially those who will use water from the reserve as they develop their property, establish water rights for irrigation or stock watering. We will also reach out to well-drillers, realtors associations, local health districts, local governments, water utilities, the agricultural community and to other groups that request information.

Ecology staff has already spoken with the agricultural community members, well drillers, local and tribal governments, major water purveyors, and the local health districts to inform them about the amendments to the Skagit Instream Flow Rule. The presentations described the purpose and content of the rules, and specifically addressed the anticipated impact of the reserves on their business and other interests.

We will prepare various written materials, such as Question and Answers and Focus sheets to distribute information on the rule. This information will be distributed through our electronic Listserv and through distribution lists provided locally, available in various public places (ex: libraries and county offices), and will be on our internet site. One or more press releases/articles will be submitted for publication in the local paper(s). We will also supplement various existing materials, such as the Homeowners Packet which is used by the public for well-drilling information and guidance.

Ecology sees a need for status on the availability of water from the reservations to be provided to the public in a timely manner. Ecology intends to publish this information on the internet so that it can be more quickly updated by Ecology and viewed by the various affected parties that need access to information on water availability. This website could be part of, or linked to the Notice of Intent website to attempt to streamline water availability information with the well drilling procedural requirements.

**3. How the Agency intends to promote and assist voluntary compliance for this rule (RCW 34.05.328(3)(c)).**

The Program will focus its efforts to achieve voluntary compliance with the Skagit rule amendment through technical assistance, education, outreach, and training and well driller licensing activities. When Ecology is providing the education and outreach, we concurrently promote voluntary compliance. Many of the activities are the same. For example, a dialogue promoting voluntary compliance for a permit subject to an instream flow water right starts at the time of water right application. The permit writer must and will work with the applicant to ensure a common understanding of the terms and conditions of any permit issued.

We will also be meeting with local governments, such as counties, cities and tribal governments on the implementation of the rule. Implementation responsibilities may need to be outlined and documented in interlocal agreements or other formal agreement documents. Outreach and communication will be key tools to promoting compliance. The Water Resources Program is preparing a Q&A on the rule amendment generally, and will develop more specific additional materials as needs are further identified. Water Resources staff will work with the counties and others to provide informational sessions for the general public and/or specifically affected groups such as the well-drillers. Information on the rule amendment will be on the Ecology website, and will be distributed through a Listserv.

**4. How the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome (RCW 34.05.328(3)(d)).**

The purpose of the Skagit rule is to retain perennial rivers, streams, and lakes in the Lower and Upper Skagit water resources inventory area ((and)), including the Cultus Mt. Tributaries, with instream flows and levels necessary to provide for the protection and preservation of wildlife, fish, scenic, aesthetic, and other environmental values, and navigational values, as well as recreation and water quality. In addition, these flows are necessary to satisfy stock watering requirements, as consistent with RCW 90.22.040.

Chapter 90.54 RCW (Water Resources Act of 1971) requires that utilization and management of waters of the state be guided by a number of fundamentals, including: Uses of water for domestic, stock watering, industrial, commercial, agricultural, irrigation, hydroelectric power production, mining, fish and wildlife maintenance and enhancement, recreational, and thermal power production purposes, and preservation of environmental and aesthetic values, and all other uses compatible with the enjoyment of the public waters of the state, are declared to be beneficial. (RCW 90.54.020(1)) The quality of the natural environment shall be protected and, where possible, enhanced, as follows: Perennial rivers and streams of the state shall be retained with base flows necessary to provide for the protection and preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values. In furtherance of these statutory objectives, this amendment creates a reservation of a limited amount of water for specific future uses. It establishes closures for tributaries, and sets forth conditions for future water right permitting.

Ecology will evaluate whether or not the reservations are achieving their intended purpose in five years. Ecology will seek to do this evaluation in concert with local and tribal governments and water users. That evaluation could include known increases in impacts to stream flow, areas where water availability may be an issue, future land use planning issues or how many ground water permit exempt wells use reserved water and how many are developed without using reserved water.

Ecology will evaluate whether or not the rule amendment achieves the purpose of protecting established instream flows by looking at new interruptible water rights that have been issued and how they comply with the rule amendment. Ecology will also evaluate the water measuring data and compliance and effectiveness of mitigation projects. There are provisions contained in the rule which allow Ecology to adjust the accounting of the reservations based on new scientific information.

**5. How the Agency intends to train and inform Ecology staff regarding new rule or rule amendment.**

Training classes specific to this rule amendment will be held at Northwest Regional Office for permit writers and well construction staff in the first month after rule amendment adoption. Training will be repeated as needed, since their work will be directly affected by the rule amendment. Information sessions can be scheduled for Water Resources and other agency staff if requested.

**6. Identify new supporting documents that need to be developed because of a new rule.**

Q & A(s)

Focus sheet(s) on rule amendment adoption and one specific to the reserve for domestic/business use

Press releases

Web updates/information

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